IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO.8803 OF 2004

Ashok Dattatraya Jadhav — Petitioner
vs.
State of Maharashtra & ors. — Respondents

Mr.A.M.Joshi for the petitioner.

Mr.R.M.Patne, A.G.P. for respondents 1 and 2.

CORAM : R. M. LODHA &
R. S. MOHITE,JJ.

DATED : 25th April 2005

P.C.

Heard Mr.A.M.Joshi, the learned counsel for the petitioner and Mr.R.M.Patne, A.G.P. for respondents 1 and 2. Nobody appears for respondents 3 and 4 despite service.

2. The petitioner's grievance in this writ petition is non-implementation of the direction dated 03.06.2004 given by the Education Officer (Secondary), Zilla Parishad, Solapur to the respondents 3 and 4.

3. It is not necessary for us to go into the diverse aspects raised in the writ petition since in our view, if the respondents 3 and 4 have failed and are not implementing the direction dated 3rd June 2004 given by the Education Officer(Secondary), Zilla Parishad,

Solapur, the Education Officer must take appropriate action against the respondents 3 and 4 under the provisions of the Maharashtra Employees of Private Schools (Conditions of Service) Regulation Act, 1977 and the rules framed thereunder. It is the obligation and the statutory duty of the Education Officer to ensure that the concerned management and the school complies with the direction given by him unless reversed or set aside by the Competent Authority or forum.

4. We, accordingly, dispose of this writ petition by the following order:

ORDER

The respondent no.2 - The Education Officer (Secondary), Zilla Parishad, Solapur is directed to take action against the respondent nos. 3 and 4 for not complying with the order dated 3rd June 2004 issued by him and pass all necessary order/s under law for compliance thereof.

(R.M. LODHA,J.)

(R.S. MOHITE,J.)